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RECEIVED

SEP 15 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 15, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, D.C. 20554

Attention: Common Carrier Bureau

RE: Petition for Interim Waiver of Part 69 Tariff Rules
(filed 9/15/00)

Dear Ms. Salas:

The National Exchange Carrier Association filed a Petition for Interim Wavier of the Commission's Part 69 Tariff Rules on September 15, 2000. A F.C.C. Form 159 and the required \$ 655.00 filing fee are being delivered via overnight service to the Mellon Bank in Pittsburgh, Pennsylvania.

Acknowledgment and date of receipt of this filing fee by the Mellon Bank are requested. A duplicate copy of the letter is provided for this purpose.

All correspondence and inquiries concerning this filing should be directed to me at the above address or faxed to 973-884-8008.

Sincerely,

cc: Judith A. Nitsche, Common Carrier Bureau
Gene Gold, Common Carrier Bureau

No. of Copies rec'd 013
List A B C D E

Attachments - Supporting Documents

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

National Exchange)	
Carrier Association, Inc.)	
)	CC Docket No. 99-320
Petition for Interim Waiver of Section)	
69.3 of the Commission's Rules)	

Petition for Interim Waiver

The National Exchange Carrier Association, Inc. (NECA), on behalf of its member companies, hereby requests an interim waiver of section 69.3 of the Commission rules so as to shorten the current required notice period for changes in participation in NECA's access tariffs.¹ Specifically, NECA requests that the tariff election deadline be changed from December 31 to March 1. This waiver, if granted, will provide exchange carriers with more time to decide whether they wish to join in or withdraw from NECA's interstate access tariffs and revenue pools.

Background

The current Part 69 access charge rules establish specific required dates for carriers to notify NECA of their intent to withdraw from NECA's tariffs. These rules, reproduced in the attached Appendix A, generally require carriers to give NECA six months' notice before tariff participation changes become effective.

Advance notice of tariff participation changes is required so that NECA may prepare and file interstate access rates that accurately reflect the cost and demand characteristics of its pooling companies. Many of the Commission's current Part 69 rules

were promulgated, however, when all exchange carriers were required to participate in NECA's interstate access tariffs, and when carriers were required to file annual access tariff revisions on at least 90 days' notice.² Also, at that time data collection and processing methods employed by NECA and most of its tariff participating carriers were less mechanized than they are today. For NECA, these combined circumstances required that carriers provide notice of their intention to join in or withdraw from the NECA pools far in advance of the actual effective date of the tariff.

Under the Commission's current "streamlined" tariff filing rules, carriers are now permitted to submit their annual access tariffs filings on only 15 days' notice³ *i.e.*, by June 16, for a July 1 effective date. Today NECA also employs electronic data collection and processing routines that significantly reduce the time required to assemble and analyze data in advance of the tariff filing. Under these circumstances, there is no longer a need for carriers to provide six months' advance notice to NECA of planned tariff participation changes. Shorter notice periods would therefore not disadvantage NECA in any way, and could help smaller companies make better-informed decisions regarding tariff participation.

Waiver Request

NECA respectfully asks the Commission to waive its rules to shorten the period for notifying NECA of tariff participation changes. Specifically, NECA requests that

¹ Section 69.3 of the Commission's rules is also the subject of a *Petition for Rulemaking* currently being considered by the Commission. See National Exchange Carrier Association, Inc., *Petition for Rulemaking* (Feb. 8, 1999).

² 47 C.F.R. § 69.3(a).

³ 47 C.F.R. § 61.58(e). See also 12 FCC Rcd 2172, 2189 (1996).

rules requiring exchange carriers to notify NECA of their election choice on December 31 be waived to allow March 1 as the notice date. Last year, the Commission granted a nearly-identical petition filed by NECA on September 22, 1999.⁴ Therefore, in the interest of administrative simplicity, NECA asks that this waiver remain in effect until such time as the Commission resolves NECA's February 8, 1999 *Petition for Rulemaking*, referenced above.

NECA usually reminds its members in mid-October of the need to make a tariff election in December. Therefore, prompt attention to this matter and granting of this waiver prior to October 15 would preclude what otherwise might be misleading information to member companies.

Respectfully submitted,

NATIONAL EXCHANGE
CARRIER ASSOCIATION, INC.

By: 

Richard A. Askoff
Regina McNeil
Its Attorneys

September 15, 2000

Joe A. Douglas
Senior Regulatory Manager
80 South Jefferson Road
Whippany, NJ 07981
(973) 884-8000

⁴ National Exchange Carrier Association, Inc., *Petition for Interim Waiver of Section 69.3 of the Commission's Rules*, CC Docket No. 99-320, *Order*, 14 FCC Rcd. 20024 (1999).

47 C.F.R. § 69.3(e)(6):

A telephone company or companies that elect to file such a tariff shall notify the association not later than December 31 of the preceding year, if such company or companies did not file such a tariff in the preceding annual period or cross-reference association charges in such preceding period that will not be cross-referenced in the new tariff.

47 C.F.R. § 69.3(e)(9)

A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff effective April 1, 1989 shall notify the association not later than August 30 of the preceding year that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff effective July 1, 1990 or thereafter pursuant to § 69.3(a) shall notify the association not later than December 31 of the preceding year that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff for one of its study areas shall file its own Carrier Common Line tariff(s) for all of its study areas.

47 C.F.R. § 69.3(i)(1):

In addition to the withdrawal provisions of paragraphs (e)(6) and (9) of this section, a telephone company or group of affiliated telephone companies that participate in one or more Association tariffs during the current tariff year and that elects to file price cap tariffs or optional incentive regulation tariffs effective July 1 of the following tariff year, shall give the Association at least 6 months' notice that it is withdrawing from all association tariffs, subject to the terms of this Rule, to participate in price cap regulation or optional incentive regulation.

47 C.F.R. § 69.3(j):

A telephone company or group of affiliated telephone companies that participates in an association tariff and elects to file its own tariff pursuant to § 61.50 of this chapter by January 1, 1994 shall notify the association not later than September 1, 1993 that it will no longer participate in the association tariff. This January 1, 1994 filing shall be for an 18-month tariff period. A telephone company or group of affiliated telephone companies that participates in an association tariff and elects to file its own tariff pursuant to § 61.50 of this chapter, by July 1, 1994 or thereafter pursuant to paragraph (a) of this section, shall notify the association not later than December 31 of the preceding year that it will no longer participate in that association tariff.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Petition for Interim Waiver was served this 15th day of September 2000, by hand delivery or first class mail, to the persons listed below.

By: 
Shawn O'Brien

The following parties were served:

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, D.C. 20554

Margot Smiley Humphrey
National Rural Telecom Association
1150 Connecticut Ave., N.W.
Washington, D.C. 20036

L. Marie Guillory
Jill Canfield
NTCA
4121 Wilson Boulevard
Tenth Floor
Arlington, VA 22203

Stuart Polikoff
Stephen Pastorkovich
OPASTCO
21 Dupont Circle, N.W.
Suite 700
Washington, D.C. 20036

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter
Julie L. Rones
United States Telecom Association
1401 H Street, N.W.
Washington, D.C. 20005

BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

PAGE NO. 1 OF 1

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX # 358150

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

National Exchange Carrier Association (NECA)

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 655.00

(4) STREET ADDRESS LINE NO. 1

80 South Jefferson Road

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Whippany

(7) STATE

NJ

(8) ZIP CODE

07981

(9) DAYTIME TELEPHONE NUMBER (include area code)

973-884-8000

(10) COUNTRY CODE (if not in U.S.A.)

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

(12) STREET ADDRESS LINE NO. 1

(13) STREET ADDRESS LINE NO. 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(18A) FCC CALL SIGN/OTHER ID

Petition for Univer

(20A) PAYMENT TYPE CODE (PTC)

C Q K 1

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 655.00

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(18B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(18C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(18D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25A) PAYER TIN

0 2 2 2 4 8 4 3 1 0

(25B) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IS DIFFERENT FROM PAYER NAME (IN A.3)

APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, JOSEPH A. DOUGLAS

(PRINT NAME)

Certify under penalty of perjury that the foregoing and supporting information

are true and correct to the best of my knowledge, information and belief. SIGNATURE

Joseph A. Douglas

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER

EXPIRATION DATE:

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD

AUTHORIZED SIGNATURE

DATE

0000038446

Voucher Number	Invoice Number	Invoice Date	Gross Amount	Net Amount
FCC PART 69 RULES	INTERIM WAIVER	09/14/2000	655.00	655.00

PLEASE DETACH BEFORE DEPOSITING

■ VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. ■ CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM. ■

NECA NATIONAL EXCHANGE
CARRIER ASSOCIATION

80 South Jefferson Road
Whippany, New Jersey 07981



60-160
433

0000038446

Date
09/14/2000

Amount
*****\$655.00

PAY SIX HUNDRED FIFTY-FIVE DOLLARS AND 00 CENTS *****

TO THE
ORDER
OF

FEDERAL COMMUNICATIONS COMMISSION
C/O MELLON BANK
THREE MELLON BANK CENTER

PITTSBURGH

PA 15251

NOT VALID AND WILL NOT BE HONORED UNLESS
CASHED WITHIN 90 DAYS OF DATE ON CHECK.

Mellon Bank, N.A.

RE Cook
AUTHORIZED SIGNATURE

⑈0000038446⑈ ⑆043301601⑆ 125m2314⑈

NECA NATIONAL EXCHANGE
CARRIER ASSOCIATION

80 South Jefferson Road
Whippany, New Jersey 07981

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